

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: MARK E. EIDSON et al. § Group Art Unit: 2641  
Serial No.: 09/185,248 §  
Filed: November 3, 1998 § Examiner: A. Armstrong  
For: MIXING DIVERSELY ENCODED § Atty. Dkt. No.: INTL-0136-US  
DATA STREAMS §

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Washington DC 20231

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**RESPONSE TO FINAL REJECTION**

Sir:

In response to the final rejection mailed July 24, 2001, reconsideration is respectfully requested in view of the following remarks:

**REMARKS**

Claims 1-8, 10-12 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Farhangi et al. (U.S. Patent No. 5,647,008) in view of Bergher et al. ("Dolby AC-3™ and MPEG-2 Audio Decoder IC with 6-Channels Output", IEEE Trans. on Consumer Electronics, August 1997) and Hendricks (U.S. Patent No. 5,706,335).

Applicants' claim 1 as currently amended includes the limitations "decoding the first audio data stream into a linear pulse code modulated format" and "combining the decoded first audio data stream with the second audio data stream for receipt by a CODEC." None of the references whether taken solely or in combination teach these limitations. In particular, Farhangi et al. do not teach decoding the first data stream into a linear pulse coded modulated format and combining a linear pulse coded modulated format with any other signal. Bergher et al. does not disclose combining

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pulse coded modulated information with any other signal and those limitations are also missing from the Hendricks reference. Therefore, all claim limitations are not taught or suggested by the prior art as required under M.P.E.P. § 2143.03.

Claim 2 as currently amended includes the limitation "further comprising encoding the combined audio data stream before receipt by the CODEC." This limitation is also missing from the cited references. The Examiner directs the applicants' attention to element 296 in Figure 2 of Farhangi et al. for the proposition that Farhangi et al. teaches encoding the combined signals. Applicants point out however that there is absolutely no discussion in Farhangi et al. of the purpose or any other information about element 296 of that figure. Any assertion therefore of the purpose of that element is pure speculation and not supported by the reference.

Claim 12 as currently amended includes the limitations "decode the first audio data stream into a linear pulse code modulated format", "acquire a second audio data stream in the linear pulse code modulated format" and "combine the decoded first audio data stream with a second audio data stream." These limitations are not shown in the references whether taken alone or in combination. More particularly, none of the references disclose combining linear pulse code modulated signals.

For at least the reasons above, applicants believe the rejection of applicants' claims 1-8, 10-12 and 16 under 35 U.S.C. 103(a) is improper and respectfully request the withdrawal of same.

Applicants' claims 19-21 and 23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Farhangi et al. in view of Bestler et al. (U.S. Patent No. 5,638,112) and Hendricks (U.S. Patent No. 5,706,335).

Applicants' independent claim 9 includes the limitation "combining the decoded first data stream with a second data stream for receipt by a CODEC device." Claim 20 includes a further limitation "encoding the combined data stream into a second compressed format before receipt by the CODEC device" and dependent claim 23 further includes the limitation "wherein the compressed format comprises a MPEG

format.” Applicants believe these limitations are not disclosed or rendered obvious by the cited combination of references.

As to claim 19, Applicants point out that the Farhangi et al. reference does not disclose sending a combined data stream to a CODEC device. Furthermore, Hendricks which was cited for using a CODEC does not disclose a system for utilizing digital inputs at all. Therefore, the combination of these references still does not disclose applicants’ claimed invention. Additionally, applicants point out that Farhangi et al. specifically teach away from using analog processors for mixing signals as is done in Hendricks. Please see for example, column 1 beginning with line 29 of the Farhangi et al. reference. Applicants submit therefore that not all of the claimed limitations in Applicants claims are disclosed or rendered obvious by the combined references and further, the combination itself is improper as the references specifically teach away from the combination.

With regards to claim 20, as was discussed above, none of the cited references disclose further encoding the combined data streams into a second compressed format before receipt by a CODEC device. Applicants again assert that element 296 illustrated in the Farhangi et al. reference, in Figure 2, is wholly without description of its function or purpose and therefore any reliance of what it may or may not do is entirely speculation and improper for the basis of a rejection.

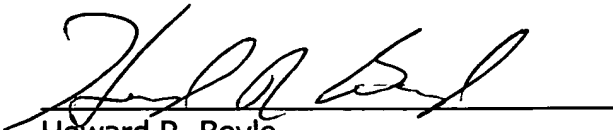
For at least the above reasons, applicants believe that the rejection of applicants’ claims 19-21 and 23 under 35 U.S.C. § 103(a) is improper and respectfully request the withdrawal of same.

**Conclusion**

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504 (INTL-0136-US).

Respectfully submitted,

Date: 8/31/01



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